

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>DERRICK RIVERS,</b>	)	<b>CASE NO. 4:04CV550</b>
	)	
<b>PLAINTIFF,</b>	)	<b>JUDGE PETER C. ECONOMUS</b>
	)	
<b>V.</b>	)	
	)	
<b>UNITED STATES OF AMERICA,</b>	)	<b>MEMORANDUM OPINION</b>
	)	<b>AND ORDER</b>
	)	
<b>DEFENDANTS.</b>	)	
	)	

On March 31, 2004, this Court issued an order assigning this case to Magistrate Judge James S. Gallas for general pre-trial supervision (Dkt. # 5). On September 15, 2006, Magistrate Judge Gallas issued a report and recommendation that defendant's motion to transfer venue (Dkt. # 16) be granted and that plaintiff's motion designated as a motion for summary judgment (Dkt. # 17) be denied. (Dkt. # 21).

FED. R. CIV.P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service, but plaintiff has failed to timely file any such objections. Therefore, the Court must assume that plaintiff is satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and an inefficient use of the Court's limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932

F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

Therefore, the report and recommendation of Magistrate Judge Gallas (Dkt. # 21) is hereby **ADOPTED**. Defendant's motion to transfer venue (Dkt. # 16) is **GRANTED** and this matter is hereby **TRANSFERRED** to the **United States District Court for the Eastern District of Virginia**. Furthermore, plaintiff's motion designated as a motion for summary judgment (Dkt. # 17) is **DENIED**.

**IT IS SO ORDERED.**

/s/ Peter C. Economus - October 6, 2006

**PETER C. ECONOMUS**

**UNITED STATES DISTRICT JUDGE**